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Respectfully submitted,

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of )

Michael A. AVENI, et al. )

Serial Number 09/991,265 )

Filed: November 15, 2001 )

For: FOOTWEAR SOLE WITH A STIFFNESS )  
ADJUSTMENT MECHANISM )

Group Art Unit: 3728

Examiner: Stashick, A.

Attorney Reference: 005127.00078

**RESPONSE**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

The Office Action mailed June 3, 2003 has been carefully reviewed and, in view of the following remarks, reconsideration and allowance of the application are respectfully requested.

**I. Summary of Claims**

Claims 1-37 are currently pending in the application, with claims 1, 17, 20, and 28 being independent claims. In the outstanding Office Action, the Examiner rejected claims 1-5, 11-14, and 17-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,487,796 to Avar, et al. The Examiner also indicated that claims 20-37 are allowed, and that claims 6-10 and 15-16 would be allowable, but are objected to as being dependent upon a rejected base claim.

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www.bannerwitcoff.com**FACSIMILE TRANSMITTAL SHEET****To:**  
Examiner A. Stashick**FROM:**  
Byron S. Kuzara**COMPANY:**  
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